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105 CMR 510.000: STANDARDS OF IDENTITY AND DEFINITIONS OF PURITY AND
QUALITY OF FOOD

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510.010: Hearings

The hearings which may be required under M.G.L. c. 94, § 189 may be heard before the Director of the Division of Food and Drugs of the Department of Public Health or his agent. The hearings given under M.G.L. c. 94, § 189 by boards of health of cities or towns may be held before any member or employee of the board so designated by such board.

510.020: Guaranty

Each guaranty given under the provision of M.G.L. c. 94, § 193, in order to afford protection to the person receiving the same, shall be signed by and shall contain the name and address of the wholesaler, manufacturer, jobber or dealer or other party residing in the United States making the sale of the article or articles covered by it to the dealer and shall be to the effect that such article or articles are not adulterated or misbranded within the meaning of the law.

510.030: Sealed Samples

Samples which are required to be sealed as provided in M.G.L. c. 94, § 188 may, in the case of samples left with the vendor or person from whom they were obtained, be sealed with sealing wax or with an adhesive paper seal or may be wrapped in paper and the paper sealed with wax or with an adhesive paper seal.

The samples which are delivered by the collector or inspector to the laboratory for analysis may be sealed with an adhesive paper seal or may be sealed with wax.

510.050: Use of Color, Preservatives, etc.

If the presence of color is not in violation of the law, harmless colors may be used, provided that if such colors are of a class subject to certification by the United States Food and Drug Administration of the Department of Health, Education and Welfare, only certified colors may be used.

Unless otherwise provided by statute, articles of food containing minute quantities of sulphur dioxide may be sold, provided that the presence of such sulphur dioxide is plainly stated upon the outside of each package sold. In no case shall sulphur dioxide or a product thereof be used in a quantity equivalent to more than 0.1% of anhydrous sodium sulphite by weight. Any food which contains sulphur dioxide or a compound thereof must have declared upon the container thereof a legible statement that sulphur dioxide or a compound thereof has been used in the product and that it is present in quantities of less than 1/10 of 1% by weight.

Foods containing compounds of boron, salicylic acid or formaldehyde will be deemed to be adulterated.

Not more than 1/10 of 1% by weight of sodium benzoate may be used as a preservative in food. Any food which contains sodium benzoate must have declared upon the container thereof a legible statement that sodium benzoate has been used in the product and that it is present in quantities of less than 1/10 of 1% by weight.

(A) Chlortetracycline Ice. Chlortetracycline ice containing not more than five parts per million as preservative may be used on fish in the round, provided that the following specific conditions be adhered to:

(1) Water Supply.

(a) Water used in the manufacture of ice containing Chlortetracycline shall be from a source approved by the Department of Public Health for potable water.

(b) The water shall have a chlorine concentration of not more than three ppm.

(c) The water used in the manufacture of Chlortetracycline ice shall have an iron concentration of not more than one ppm, and a pH of between 6.0 and 8.0.

(d) Water which does not comply with the 105 CMR 510.050(A)(1)(a) through (c) may be treated by a method approved by the Department of Public Health, so that it will be acceptable to the Director of Food and Drugs.

(2) Ice Manufacture.

(a) All equipment shall be clean, sanitary and free from rust.

- (b) If a solid concentrate of chlortetracycline is added to the water, it must be completely dispersed through the solution by agitation. No clumping of solids or other inadequate dispersion will be allowed.
- (c) If a liquid concentrate of Chlortetracycline is used, it shall be added to the water supply at a specific rate, so that the resulting ice contains five ppm of Chlortetracycline.
- (d) In the manufacture of block ice, the ice cake shall be frozen solidly without removing the central unfrozen solution or "core" during the latter stages of freezing.
- (e) The Chlortetracycline ice shall not be kept in storage for more than 12 calendar months from the day of manufacture.
- (f) All ice containing Chlortetracycline shall be manufactured, stored and shipped separately from all other ice manufactured or stored on the same premises.
- (g) The plant manufacturing this ice shall maintain the same high sanitary standards as are required by this Department for any food plant.
- (h) All plumbing shall be so arranged as to guarantee that no treated water can get back to the potable water supply.

(3) Treatment of Fish on Boats.

- (a) The Chlortetracycline ice shall not contain more than five parts per million of Chlortetracycline.
- (b) As soon as possible after harvest, fish shall be washed and then packed in ice containing five ppm Chlortetracycline.
- (c) All fish which are iced shall be kept away from deck, bulkhead, pen board, box and any other surface by at least two inches of ice.
- (d) All bins, pen boards, boxes, and other surfaces which may come in contact with fish or ice shall be washed and sanitized after the unloading of the fish, before any new catch is taken on board.
- (e) All bins, pen boards, boxes and other surfaces which come in contact with the fish or ice, if not of an incorrodible nature, shall be painted at least yearly, and more often, if there is any noticeable peeling, cracking, or weathering, with a waterproof, lead-free paint.

(4) Sanitary Requirements. The handling and processing of fish treated with Chlortetracycline ice shall comply with all applicable regulations promulgated by the Director of the Division of Marine Fisheries of the Department of Fisheries, Wildlife and Environmental Law Enforcement under authority of M.G.L. c. 130, §§ 46, 75, 80 and 89, as amended by St. 1941, c. 598, and approved as to sanitary requirements by the Commissioner of Public Health.

5) Handling of Fish. The use of tines or any other sharp pointed instrument that may penetrate the flesh of fish is prohibited.

(6) Labeling. All fish treated with Chlortetracycline shall be labeled, "Chlortetracycline added to retard spoilage" on all boxes, barrels, packages, wrappers or other containers. When sold in bulk, a sign bearing this legend shall be affixed to the tray or other container.

(7) Permits to Manufacture Chlortetracycline Ice. No person shall use any Chlortetracycline ice under the above conditions, unless said ice has been

manufactured in a plant which has a permit to manufacture the same, signed by the Director of the Division of Food and Drugs.

(8) Fish in the Round. Fish in the round shall mean the whole fish as taken from the ocean.

(B) Chlortetracycline. The Chlortetracycline used in the manufacture of the ice shall comply with the following requirements:

(1) It shall contain not less than 95% nor more than 105% of the stated amount of Chlortetracycline Hydrochloride when assayed by a spectrophotometric method approved by the Director of the Division of Food and Drugs.

(2) Other derivatives or compounds of Chlortetracycline shall not be present in the mixture to any extent greater than 1% by weight of the stated amount of Chlortetracycline Hydrochloride.

(3) All diluents, dispersing agents and other ingredients used to facilitate the solution or dispersal of Chlortetracycline in water must be approved for such use by the Director of the Division of Food and Drugs.

(C) Sodium Dehydroacetate (Prepeeled Squash). Sodium dehydroacetate may be used as a preservative on prepeeled squash, with a residue not to exceed 100 parts per million.

(D) Sodium Propylparahydroxybenzoate (Maple Syrup). Sodium propylparahydroxy-benzoate may be used as a preservative in maple syrup, in quantities of less than 1/10 of 1%.

(E) Shortening Products Preservatives. Not more than 1/100 of 1% of butylated hydroxytoluene, 5/1000 of 1% butylated hydroxanisole, propylgallate and citric acid in monoglycerides and vegetable oils may be added to shortening products as preservatives.

(F) 2-4-Dichlorophenoxy Acetic Acid (Lemons). 2-4-Dichlorophenoxy Acetic Acid may be used as a preservative on lemons, with a tolerance of five ppm.

(G) Sodium Dimethyldithiocarbamate (Cantaloupes). Sodium Dimethyldithiocarbamate may be used as a preservative on cantaloupes, with a tolerance of five ppm.

(H) Biphenyl (Oranges). Biphenyl may be used as a preservative with a tolerance of not more than 50 ppm in any portion of the fruit, retailers to separate biphenyl treated oranges prior to sale and properly labeling same when displayed.

No person shall sell or have in possession with intent to sell any food containing any preservative other than those provided for above, unless said preservative is approved for use under specific conditions by the Department.

510.061: Churned Buttermilk

Churned buttermilk shall mean the product that remains when fat is removed from milk or cream, sweet or sour, in process of churning and shall contain 8.5% of milk solids not fat. Churned buttermilk shall be deemed to be adulterated, if it has a coliform count in excess of ten colonies per gram as determined by the latest method of the American Public Health Association. Butter flakes may be added to the product.

510.100: Clams and Clam Products

No clam meats shall show an ammonia-nitrogen ratio in excess of 0.5%. Any clam showing a ratio in excess of 0.5% shall be deemed to be decomposed within the meaning of M.G.L. c. 94, § 186 paragraph (6) in the case of food. The method to be used in determining the ammonia-nitrogen ratio shall be that method which is currently being used by the Division of Food and Drugs of the Department of Public Health.

Clam meats having a total solids content of less than 17% by weight as determined by methods currently used by the Division of Food and Drugs of the Department of Public Health shall be deemed to be adulterated within the meaning of the law.

510.150: Prepared Meats and Meat Food Products

(A) Hamburg and "Hamburg Steak". Hamburg and "hamburg steak" shall mean comminuted fresh beef, with or without the addition of beef fat. Hamburg shall be deemed to be adulterated, if it contains more than 30% of fat by weight, as determined by the method in use at the time of examination in the Food and Drug Laboratory.

(B) Ammonia-Nitrogen Ratio Standard for Meat. No beef, veal, pork, lamb, poultry or raw uncured products thereof shall have an ammonia-nitrogen ratio in excess of 0.50%. A ratio in excess of 0.50% shall mean that said products are decomposed within the meaning of M.G.L. c. 94, § 186 paragraph (6) in the case of food. The method which is currently being used by the Division of Food and Drugs of the Department of Public Health.

(C) Meat Patty. A meat patty shall be a meat product consisting of chopped or ground raw meat, fat and condiments, to which has been added not more than 3% individually or collectively of cereal, vegetable starch, starchy vegetable flour, soya flour, soya protein concentrate, nonfat dry milk, calcium reduced dried skim milk or dried milk. It may contain added water of sufficient quantity to allow for proper processing. The addition of water shall not exceed more than 10% of the weight of the finished product, which shall not contain less than 85% of the meat ingredients. If beef ingredients are used, they shall conform to the standard for hamburg. The common names of the nonmeat ingredients shall be listed in a prominent manner contiguous to the product name, *i.e.*, "Beef Patty--Cereal and Soya Flour Added." If another meat is used, it shall contain not more than 30% of fat.

(D) Meat Steak. The term "steak" when used in conjunction with meat shall mean the whole portion of meat as removed from the carcass. Ground or chopped meat shall not be labeled as steak.

510.170: Transparent and Semi-Transparent Wrappers and Coverings

Transparent or semi-transparent wrappers or covering for use in packaging of cured, cured and smoked, or cured and cooked sausage products, and sliced meat food products must provide for at least 50% of the total product surface being visible through a wrapper or covering that is free of color, print or graphic material, to insure that the actual color of the product is easily recognized.

510.180: Uncarbonated Fruit Beverages, Ingredients and Imitations Thereof -- General Labeling Provisions

The name of the product shall appear in the largest type used upon the label and shall be separate and distinct from any brand name, firm name or trade mark. The label shall bear no trade name, design or other printed or graphic matter or device which may lead the purchaser to believe that the product was of higher grade or contained more actual fruit ingredients than provided in the standards for the designated product. Optional ingredients shall be labeled prominently in the order of their predominance. Added ascorbic acid may be also designated as Vitamin C only when accompanied by a statement of the actual quantity present in terms of milligrams per fluid ounce

The labeling requirements herein set forth shall apply to a bulk dispenser, and unless such dispenser is in plain view of and subject to close scrutiny by the patron, the said dispenser shall be accompanied by a legible sign or placard placed adjacent thereto and containing all of the information required upon the label.

(A) Concentrated Fruit Juice. A fruit juice concentrated in any degree by the removal of water. A concentrated fruit juice shall conform in name to the fruit or fruits from which it is obtained.

A concentrated fruit juice may contain one or more of the following optional ingredients: sugar (sucrose), dextrose, corn syrup or invert sugar syrup. Optional ingredients if present shall be declared on the label.

(B) Fruit Juice. The unfermented liquid obtained from the first pressing of mature, clean, sound, ripe, fresh fruit or its pulp, shall conform in the name to the fruit or fruits from which it is obtained.

A fruit juice may contain one or more of the following optional ingredients: sugar (sucrose), dextrose, corn syrup or invert sugar syrup. Optional ingredients if present shall be declared on the label.

(C) Fruit Juice Blend. The product consisting of fruit juice and fruit juice from

concentrate, so that the resultant product shall contain less than 50% by volume of the fruit juice from concentrate.

A fruit juice blend may contain one or more of the following optional ingredients: sugar (sucrose), dextrose, corn syrup or invert sugar syrup. Optional ingredients if present shall be declared on the label.

(D) Orange Juice.

(1) Orange juice is the unfermented juice obtained from mature oranges of the species *Citrus sinensis*. Seeds, (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) and excess pulp are removed. The juice may be chilled, but it is not frozen.

(2) The name of the food is "orange juice." The name "orange juice" may be preceded on the label by the varietal name of the oranges used, and if the oranges grew in a single State, the name of such State may be included in the name, as for example, "California Valencia Orange Juice."

(E) Frozen Orange Juice.

(1) Frozen orange juice is orange juice as defined in 105 CMR 510.180(D), except that it is frozen.

(2) The name of the food is "frozen orange juice." Such name may be preceded on the label by the varietal name of the oranges used, and if the oranges grew in a single State, the name of such State may be included in the name, as for example, "California Valencia Frozen Orange Juice."

(F) Pasteurized Orange Juice.

(1) Pasteurized orange juice is the food prepared from unfermented juice obtained from mature oranges as specified in 105 CMR 510.180(D), to which may be added not more than 10% by volume of the unfermented juice obtained from mature oranges of the species *Citrus reticulata* or hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed, and pulp and orange oil may be adjusted in accordance with good manufacturing practice. If the adjustment involves the addition of pulp, then such pulp shall not be of the washed or spent type. The solids may be adjusted by the addition, of one or more of the optional concentrated orange juice ingredients specified in 105 CMR 510.180(F)(2). One or more of the optional sweetening ingredients listed in 105 CMR 510.180(F)(3) may be added in a quantity reasonably necessary to raise the Brix or the Brix-acid ratio to any point within the normal range usually found in unfermented juice obtained from mature oranges as specified in 105 CMR 510.180(D). The orange juice is so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. Either before or after such heat treatment, all or a part of the product may be frozen. The finished pasteurized orange juice contains not less than 10.5% by weight of orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients, and the ratio of the Brix hydrometer reading to the grams of anhydrous citric acid per 100 milliliters of juice is not less than ten to one.

(2) The optional concentrated orange juice ingredients referred to in 105 CMR 510.180(F)(1) are frozen concentrated orange juice as specified in 105 CMR 510.180(G) and concentrated orange juice for manufacturing as specified in 105 CMR 510.180(K) when made from mature oranges; but the quantity of such concentrated orange juice ingredients added shall not contribute more than $\frac{1}{4}$ of the total orange juice solids in the finished pasteurized orange juice.

(3) The optional sweetening ingredients referred to in 105 CMR 510.180(F)(1) are sugar, invert sugar, dextrose, dried corn syrup, dried glucose syrup.

(4) (a) The name of the food is "pasteurized orange juice." If the food is filled into

containers and preserved by freezing, the label shall bear the name "frozen pasteurized orange juice." The words "pasteurized" or "frozen pasteurized" shall be shown on labels in letters not less than $\frac{1}{2}$ the height of the letters in the words "orange juice".

(b) If the pasteurized orange juice is filled into containers and refrigerated, the label shall bear the name of the food, "chilled pasteurized orange juice." If it does not purport to be either canned orange juice or frozen pasteurized orange juice, the word "chilled" may be omitted from the name. The words "pasteurized" or "chilled pasteurized" shall be shown in letters not less than $\frac{1}{2}$ of the height of the letters in the words "orange juice."

(5) (a) If a concentrated orange juice ingredient specified in 105 CMR 510.180(F)(2)

is used in adjusting the orange juice solids of the pasteurized orange juice, the label shall bear the statement "prepared in part from concentrated orange juice" or "with added concentrated orange juice" or "concentrated orange juice added."

(b) If one or more of the sweetening ingredients specified in 105 CMR 510.180(F)(3) are added to the pasteurized orange juice, the label shall bear the statement ". . . . added," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients used. However, for the purpose of 105 CMR 510.180(F), the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

(6) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in 105 CMR 510.180(F) for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed or graphic matter.

(G) Frozen Concentrated Orange Juice, Frozen Orange Juice Concentrate.

(1) Frozen concentrated orange juice is the food prepared by removing water from the juice of mature oranges as provided in 105 CMR 510.180(D), to which juice may be added unfermented juice obtained from mature, oranges of the species *Citrus reticulata*, or hybrids thereof, or of *Citrus aurantium*, or both. However, in the unconcentrated blend the volume of juice from *Citrus reticulata* shall not exceed 10% and from *Citrus aurantium* shall not exceed 5%. The

concentrate so obtained is frozen. In its preparation, seeds (except embryonic seeds, and shall fragments of seeds that cannot be separated by good manufacturing practice) and excess pulp are removed, and a properly prepared water extract of the excess pulp so removed may be added. Orange oil, orange pulp, orange essence (obtained from orange juice), orange juice and other orange juice concentrate as provided in 105 CMR 510.180 or concentrated orange juice for manufacturing provided in 105 CMR 510.180(K) (when made from mature oranges), water, and one or more of the optional sweetening ingredients specified in 105 CMR 510.180(G)(2) may be added to adjust the final composition. The juice of *Citrus reticulata* and *Citrus aurantium*, as permitted by 105 CMR 510.180(G), may be added in single strength or concentrated form prior to concentration of the *Citrus sinensis* juice, or in concentrated form during adjustment of the composition of the finished food. The addition of concentrated juice from *Citrus reticulata* or *Citrus aurantium*, or both, shall not exceed, on a single-strength basis, the 10% maximum for *Citrus reticulata* and the 5% maximum for *Citrus aurantium* prescribed by 105 CMR 510.180(G)(1). Any of the ingredients of the finished concentrate may have been so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms. The finished food is of such concentration that when diluted according to label directions the diluted article will contain not less than 11.8% by weight of orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients. The dilution ratio shall be not less than three plus one. For the purposes of 105 CMR 510.180(G), the term "dilution ratio" means the whole number of volumes of water per volume of frozen concentrate required to produce orange juice from concentrate having orange juice soluble solids of not less than 11.8% by weight exclusive of the solids of any added optional sweetening ingredients.

(2) The optional sweetening ingredients referred to in 105 CMR 510.180(G)(1) are sugar, sugar syrup, invert sugar, invert sugar syrup, dextrose, corn syrup, dried corn syrup, glucose syrup, and dried glucose syrup.

(3) If one or more of the sweetening ingredients specified in 105 CMR 510.180(G)(2) are added to the frozen concentrated orange juice, the label shall bear the statement "... added," the blank being filled in with the name or an appropriate combination of names of the sweetening ingredients used. However, for the purpose of 105 CMR 510.180(G), the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

(4) The name of the food concentrated to a dilution ratio of three plus one is "frozen concentrated orange juice" or "frozen orange juice concentrate." The name of the food concentrated to a dilution ratio greater than three plus one is "frozen concentrated orange juice, ... plus one," the blank being filled in with the whole number showing the dilution ratio; for example, "frozen orange juice concentrate, four plus one." However, where the label bears directions for making one quart of orange juice from concentrate (or multiples of a quart,) the blank in the name may be filled in with a mixed number; for example, "frozen orange juice concentrate, 4 1/3 plus one." For containers larger than one pint, the dilution ratio in the name may be replaced by the concentration of orange juice

soluble solids in degrees Brix; for example, a 62° Brix concentrate in 3½ gallon cans may be named on the label frozen "concentrated orange juice, 62° Brix."

(5) Wherever the name of the food appears on the label conspicuously as to be easily seen under customary conditions of purchase, the statements specified in 105 CMR 510.180(G) for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

(H) Orange Juice from Concentrate.

(1) Orange juice from concentrate is the food prepared by mixing water with frozen concentrated orange juice as defined in 105 CMR 510.180(G) or with concentrated orange juice for manufacturing as defined in 105 CMR 510.180(K) (when made from mature oranges), or both. To such mixture may be added orange juice as defined in 105 CMR 510.180(D), frozen orange juice as defined in 105 CMR 510.180(E), pasteurized orange juice as defined in 105 CMR 510.180(F), orange juice for manufacturing as defined in 105 CMR 510.180(I) (when made from mature oranges and preserved by chilling or freezing but not by canning), orange oil, orange pulp, and one or more of the sweetening ingredients listed in 105 CMR 510.180(H)(2). The finished orange juice from concentrate contains not less than 11.8% orange juice soluble solids, exclusive of solids of any added optional sweetening ingredients. It may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms.

(2) The sweetening ingredients referred to in 105 CMR 510.180(H)(1) are sugar, sugar syrup, invert sugar, invert sugar syrup, dextrose, corn syrup, dried corn syrup, glucose syrup, dried glucose syrup.

(3) The name of the food is "orange juice from concentrate." The words "from concentrate" shall be shown in letters not less than one-half the height of the letters in the words "orange juice."

(4) When orange juice from concentrate contains any optional sweetening ingredient as listed in 105 CMR 510.180(H)(2), whether added directly as such or indirectly as an added ingredient of any orange juice product used, the label shall bear the statement ". . . added," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients added. However, for the purposes of 105 CMR 510.180(H) the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

(5) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements specified in 105 CMR 510.180(H) for naming the optional ingredients used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

(I) Orange Juice for Manufacturing.

(1) Orange juice for manufacturing is the food prepared for further manufacturing use. It is prepared from unfermented juice obtained from oranges as provided in 105 CMR 510.180(D), except that the oranges may deviate from

the standards for maturity in that they are below the minimum for Brix and Brix-acid ratio for such oranges, and to which juice may be added not more than 10% by volume of the unfermented juice obtained from oranges of the species *Citrus reticulata* or the hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed, and pulp and orange oil may be adjusted in accordance with good manufacturing practice. If pulp is added it shall be other than washed or spent pulp. The juice or portions thereof may be so treated by heat as to reduce substantially the enzymatic activity and number of viable micro-organisms, and it may be chilled or frozen, or it may be so treated by heat, either before or after sealing in containers, as to prevent spoilage.

(2) The name of the food is "orange juice for manufacturing."

(J) Orange Juice with Preservative.

(1) Orange juice with preservative is the food prepared for further manufacturing use. It complies with the requirements for composition of orange juice for manufacturing as provided for in 105 CMR 510.180(I), except that a preservative is added to inhibit spoilage. It may be heat-treated to reduce substantially the enzymatic activity and the number of viable micro-organisms.

(2) The preservatives referred to in 105 CMR 510.180(J)(1) are sodium benzoate and sorbic acid. Sodium benzoate or sorbic acid may be used in an amount not exceeding 0.2% by weight.

(3) The name of the food is "orange juice with preservative."

(4) The label shall bear the statement ". . . added as a preservative," the first blank being filled in with the percent by weight of the preservative used and the second blank by the name "sorbic acid" or "sodium benzoate" (or "benzoate of soda"), as appropriate.

(5) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in 105 CMR 510.180(J)(4) naming the preservative ingredient used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed, or graphic matter.

(K) Concentrated Orange Juice for Manufacturing, Orange Juice Concentrate for Manufacturing.

(1) Concentrated orange juice for manufacturing is the food that complies with the requirements for composition and labeling of optional ingredients prescribed for frozen concentrated orange juice by 105 CMR 510.180(G), except that it is either not frozen, or it is less concentrated, or both, and the oranges from which the juice is obtained may deviate from the standards for maturity in that they are below the minima for Brix and Brix-acid ratio for such oranges: Provided, however, that the concentration of orange juice soluble solids is not less than 20° Brix.

(2) The name of the food is "concentrated orange juice for manufacturing, ..." or "... orange juice concentrate for manufacturing," the blank being filled in with the figure showing the concentration of orange juice soluble solids in degrees

Brix.

(L) Concentrated Orange Juice with Preservative.

(1) Concentrated orange juice with preservative complies with the requirements for composition and labeling of optional ingredients prescribed for concentrated orange juice for manufacturing by 105 CMR 510.180(K), except that a preservative is added to inhibit spoilage.

(2) The preservatives referred to in 105 CMR 510.180(L)(1) are sodium benzoate and sorbic acid. Sodium benzoate or sorbic acid may be used in an amount not exceeding 0.2%, by weight.

(3) The name of the food is "concentrated orange juice with preservative, ...," the blank being filled in with the figure showing the concentration of orange juice soluble solids in degrees Brix.

(4) The label shall bear the statement "... added as a preservative," the first blank being filled in with the percent by weight of the preservative used and the second blank by the name "sorbic acid" or "sodium benzoate" (or "benzoate of soda"), as appropriate.

(5) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in 105 CMR 510.180(L)(4) for naming the preservative ingredient used shall immediately and conspicuously precede or follow the name of the food, without intervening written, printed or graphic matter.

(M) Orange Juice Drink. Orange Juice Drink shall be that product which contains at least 30% of orange juice which meets the definition of fruit juice, with or without optional ingredients which is used must be declared upon the label of the product. Orange Juice Drink may contain water, pulpy orange juice, in addition to the 30% of orange juice required above, and shall contain not less than three milligrams of natural ascorbic acid per U.S. fluid ounce. No preservative shall be used to preserve this product. Cold pressed orange oil free from emulsifying agents of any kind may be used in this product, in addition to the above and declared on the label if used. The following optional acidifying ingredients may be used, and if used must be declared on the label: citric acid, lemon juice and concentrated lemon juice.

(N) Orange Juice from Concentrate Drink. Orange juice from concentrate drink shall be that product which contains at least 30% of orange juice from concentrate which meets the definition of orange juice from concentrate with or without optional ingredients which if used must be declared upon the label of the product. Orange Juice from Concentrate Drink may contain water, pulpy orange juice, in addition to the 30% of orange juice from concentrate required above, and shall contain not less than three milligrams of natural ascorbic acid per U.S. fluid ounce. No preservative shall be used to preserve this product. Cold pressed orange oil free from emulsifying agents of any kind may be used in this product, in addition to the above and declared if used. The following optional acidifying ingredients may be used, and if used must be declared on the label: citric acid, lemon juice and concentrated lemon juice.

(O) Orange Juice Drink or Orange Juice from Concentrate Drink Certification. If Orange Juice Drink or Orange Juice from Concentrate Drink are manufactured outside the Commonwealth, they must be manufactured under U.S.D.A. inspection, and the container thereof must bear the U.S.D.A. shield of inspection, or in the alternative, certificates from the United States Department of Agriculture are furnished the Director, satisfying him that such fruit juice, fruit juice blend or fruit juice from concentrate have been bottled under continuous United States Department of Agriculture Inspection and meet all grade and health standards of identity and differential requirements herein contained. Any person importing or receiving Orange Juice Drink or Orange Juice from Concentrate Drink from outside the Commonwealth shall file with the Director of Food and Drugs a certificate signed by the U.S.D.A. inspector responsible for the operation of the plant which states the exact ingredients used in the product and accompanied by a sample of the container or the label therefrom.

510.190: Cacao Products -- Definitions and Standards of Identity

(A) Cacao Nibs, Cocoa Nibs, Cracked Cocoa; Identity; Label Statement of Optional Ingredients.

(1) Cacao nibs, cocoa nibs, cracked cocoa is the food prepared by heating and cracking dried or cured and cleaned cacao beans and removing shell therefrom. Cacao nibs or the cacao beans from which they are prepared may be processed by heating with one or more of the following optional alkali ingredients, added as such or in aqueous solution: Bicarbonate, carbonate, or hydroxide of sodium, ammonium, or potassium; or carbonate or oxide of magnesium; but for each 100 parts by weight of cacao nibs used, as such or before shelling from the cacao beans, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than the neutralizing value of three parts by weight of anhydrous potassium carbonate. The cacao shell content of cacao nibs is not more than 1.75% by weight (calculated to an alkali-free basis if they or the cacao beans from which they were prepared have been processed with alkali), as determined by the method prescribed under "Shell in Cacao Nibs -- Tentative" beginning on page 208 (Ed. note, 7th Edition, 1950, p.177) of *Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists*, 5th Ed., 1940.

(2) When cacao nibs or the cacao beans from which they are prepared are processed in whole or in part with any optional alkali ingredient specified in 105 CMR 510.190(A)(1), the label shall bear the statement "Processed with Alkali"; but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used. Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

(B) Chocolate Liquor, Chocolate, Baking Chocolate, Bitter Chocolate, Cooking

Chocolate, Chocolate Coating, Bitter Chocolate Coating; Identity; Label Statement of Optional Ingredients.

(1) Chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating is the solid or semiplastic food prepared by finely grinding cacao nibs. To such ground cacao nibs, cacao fat or a cocoa or both may be added in quantities needed to adjust the cacao fat content of the finished chocolate liquor. (For the purposes of 105 CMR 190.000 the term "cocoa" means breakfast cocoa, cocoa, low-fat cocoa, or any mixture of two or more of these.) Chocolate liquor may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients specified in 105 CMR 510.190(B)(1), 510.190(B)(2), or 510.190(B)(3) which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

- (a) Ground spice.
- (b) Ground vanilla beans; any natural food flavoring oil, oleoresin, or extract.
- (c) Vanillin, ethyl vanillin, or other artificial food flavoring.
- (d) Butter, milk fat, dried malted cereal extract, ground coffee, ground nut meats.
- (e) Salt.

Any optional ingredient used with the cacao beans or cacao nibs from which such chocolate liquor is prepared, or used with any cocoa added in preparing such chocolate liquor, shall be considered to be an optional ingredient used with such chocolate liquor. The optional alkali ingredients specified for use with cacao nibs in 105 CMR 510.190(A)(1) may be used as optional ingredients with chocolate liquor; but for each 100 parts by weight of cacao nibs used in preparing the chocolate liquor, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than three parts by weight of anhydrous potassium carbonate. The finished chocolate liquor contains not less than 50% and not more than 58% by weight of cacao fat. Unless the chocolate liquor is seasoned with butter, milk fat, or ground nut meats, the percentage of cacao fat is determined by the method prescribed under "Fat Method I -- Official" beginning on page 202 (Ed note, 7th edition, 1950, p. 183) of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 5th Ed., 1940.

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in 105 CMR 510.190(B), showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

- (a) When the food is seasoned with an optional ingredient specified in 105 CMR 510.190(B)(1)(a), the label shall bear the statement "Spiced," "Spice Added," "With Added Spice," "Spiced With . . ." or "With Added . . .," the blank being filled in with the specific common name of spice being used.
- (b) When the food is flavored with an optional ingredient specified in 105 CMR 510.190(B)(1)(b), the label shall bear the statement "Flavored,"

"Flavoring Added," "With Added Flavoring," "Flavored With ...," "...Added," or "With Added...", the blank being filled in with the specific common name of the flavoring used.

(c) When the food is flavored with an optional ingredient specified in 105 CMR 190(B)(1)(c), the label shall bear the statement "Artificially Flavored," "Artificial Flavoring Added," "With Artificial Flavoring," "Artificially Flavored with ...," or "With ..., an Artificial Flavoring," the blank being filled in with the specific common name of the artificial flavoring used.

(d) When the food is seasoned with an optional ingredient specified in 105 CMR 510.190(B)(1)(d), the label shall bear the statement "Seasoned with ...," the blank being filled in with the specific common name of the substance used as seasoning.

(e) When any optional alkali ingredient specified in 105 CMR 510.190(A)(1) is used, the label shall bear the statement "Processed with Alkali;" but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed in 105 CMR 510.190(B)(1)(a) through 510.190(B)(1)(d) may be combined, as for example "With Added Cinnamon, Vanilla, and Ethyl Vanillin, an Artificial Flavoring."

(C) Breakfast Cocoa, High Fat Cocoa; Identity; Label Statement of Optional Ingredients.

(1) Breakfast cocoa, high fat cocoa is the food prepared by pulverizing the residual material remaining after part of the cacao fat has been removed from ground cacao nibs. It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

- (a) Ground spice.
- (b) Ground vanilla beans; any natural food flavoring oil, oleo-resin, or extract.
- (c) Vanillin, ethyl vanillin, or other artificial food flavoring.
- (d) Salt.

Any optional ingredient used with the cacao beans, cacao nibs, or ground cacao nibs from which such breakfast cocoa is prepared shall be considered to be an optional ingredient used with such breakfast cocoa. The optional alkali ingredients specified for use with cacao nibs in 105 CMR 510.190(A)(1) may be used as optional ingredients with breakfast cocoa; but for each 100 parts by weight of cacao nibs used in preparing the breakfast cocoa, the total quantity of such alkalis used is not greater in neutralizing value (calculated from the respective combining weights of such alkalis used) than three parts by weight of anhydrous potassium carbonate. The finished breakfast cocoa contains not less than 22% of cacao fat, as determined by the method prescribed under "Fat Method I--Official" beginning on page 202 (Ed. note. 7th edition, 1950, p. 183) of *Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists*, 5th Ed., 1940.

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in 105 CMR 510.190(C), showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

(a) When the food is seasoned with an optional ingredient specified in 105 CMR 510.190(C)(1)(a), the label shall bear the statement "Spiced," "Spice Added," "With Added Spice," "Spiced With..." or "With Added ...," the blank being filled in with the specific common name of the spice used.

(b) When the food is flavored with an optional ingredient specified in 105 CMR 510.190(C)(1)(b), the label shall bear the statement "Flavored," "Flavoring Added," "With Added Flavoring," "Flavored With ...," "...Added," or "With Added ...," the blank being filled in with the specific common name of the flavoring used.

(c) When the food is flavored with an optional ingredient specified in 105 CMR 510.190(C)(1)(c), the label shall bear the statement "Artificially Flavored," "Artificial Flavoring Added," "With Artificial Flavoring," "Artificially Flavored With...," or "With ..., an Artificial Flavoring," the blank being filled in with the specific common name of the artificial flavoring used.

(d) When any optional alkali ingredient specified in 105 CMR 510.190(A)(1) is used, the label shall bear the statement "Processed with Alkali" but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by 105 CMR 510.190(C)(2)(a) through 510.190(C)(2)(d) may be combined, as for example, "With Added Cinnamon, Vanilla, and Ethyl Vanillin, an Artificial Flavoring."

(D) Cocoa, Medium Fat Cocoa; Identity; Label Statement of Optional Ingredients.

Cocoa, medium fat cocoa conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for breakfast cocoa by 105 CMR 510.190(C), except that it contains less than 22% but not less than 10% of cacao fat, as determined by the method referred to in 105 CMR 510.190(C)(1).

(E) Low-Fat Cocoa; Identity; Label Statement of Optional Ingredients. Low-fat cocoa conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for breakfast cocoa by 105 CMR 510.190(C), except that it contains less than 10% of cacao fat as determined by the method referred to in 105 CMR 510.190(C)(1).

(F) Sweet Chocolate, Sweet Chocolate Coating; Identity; Label Statement of Optional Ingredients.

(1) Sweet chocolate, sweet chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) sweetened with one of the

optional saccharine ingredients specified in 105 CMR 510.190(F)(2). It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate, milk, or butter:

- (a) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt.
- (b) Vanillin, ethyl vanillin, or other artificial food flavoring. One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5% of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60% by weight of the emulsifying ingredient or mixture):
- (c) Lecithin, with or without related natural phosphatides.
- (d) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof.

One or any mixture of two or more of the following optional dairy ingredients may be used in such quantity that the finished sweet chocolate contains less than 12% by weight of milk constituent solids:

- (e) Butter, milk fat, cream, milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk, concentrated buttermilk, dried buttermilk, malted milk.

If chocolate liquor with any optional ingredient specified in 105 CMR 510.190(B)(1) is used, such ingredient shall be considered to be an optional ingredient used with the sweet chocolate. The finished sweet chocolate contains not less than 15% by weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the weight of the finished sweet chocolate, and multiplying the quotient by 100.

Bittersweet chocolate is sweet chocolate which contains not less than 35% by weight of chocolate liquor, calculated in the same manner.

(2) The optional saccharine ingredients referred to in 105 CMR 510.190(F)(1) are:

- (a) Sugar, or partly refined cane sugar, or both.
- (b) Any mixture of dextrose and sugar or partly refined cane sugar or both in which the weight of the solids of the dextrose used is not more than $\frac{1}{3}$ of the total weight of the solids of all the saccharine ingredients used.
- (c) Any mixture of dried corn syrup or dried glucose syrup and sugar or partly refined cane sugar or both in which the weight of the solids of the dried corn syrup or dried glucose syrup used is not more than $\frac{1}{4}$ of the total weight of the solids of all the saccharine ingredients used.
- (d) Any mixture of dextrose, dried corn syrup or dried glucose syrup and sugar or partly refined cane sugar or both, in which three times the weight of

the solids of the dextrose used plus four times the weight of the solids of the dried corn syrup or of the solids of the dried glucose syrup used is not more than the total weight of the solids of all the saccharine ingredients used.

- (3) For the purpose of 105 CMR 510.190:
 - (a) The term "dextrose" means the anhydrous refined monosaccharide obtained from hydrolyzed starch.
 - (b) The term "dried corn syrup" means the product obtained by drying incompletely hydrolyzed cornstarch; its solids contain not less than 58% by weight of reducing sugars.
 - (c) The term "dried glucose syrup" means the product obtained by drying "glucose syrup." "Glucose syrup" is a clarified, concentrated, aqueous solution of the products obtained by the incomplete hydrolysis of any edible starch. The solids of glucose syrup contain not less than 40% by weight of reducing sugars calculated as anhydrous dextrose.
- (4) "Semisweet chocolate," "bittersweet chocolate," "semisweet chocolate coating," and "bittersweet chocolate coating" are alternate names for sweet chocolate which contains not less than the minimum quantity of chocolate liquor prescribed for bittersweet chocolate by 105 CMR 510.190(F)(1).
- (5) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in 105 CMR 510.190, showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:
 - (a) When the food is flavored with an optional ingredient specified in 105 CMR 510.190(F)(1)(b), the label shall bear the statement "Artificially Flavored," "Artificial Flavoring Added," "With Artificial Flavoring," "Artificially Flavored With ...," or "With..., an Artificial Flavoring," the blank being filled in with the specific common name of the artificial flavoring used.
 - (b) When an optional ingredient specified in 105 CMR 510.190 (F)(1)(c) or 510.190(F)(1)(d) is used, the label shall bear the statement "Emulsifier Added" or "With Added Emulsifier."
 - (c) When any optional alkali ingredient specified in 105 CMR 510.190(A)(1) is used the label shall bear the statement "Processed with Alkali" but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by 105 CMR 510.190(F)(5)(a) and 510(F)(5)(b) may be combined, as for example, "With Added Emulsifier and Ethyl Vanillin, an Artificial Flavoring."

(G) Milk Chocolate, Sweet Milk Chocolate, Milk Chocolate Coating, Sweet Milk Chocolate Coating; Identity; Label Statement of Optional Ingredients.

- (1) Milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating is the solid or semiplastic food the ingredients of which are intimately mixed and ground, prepared from chocolate liquor (with or without the addition of cacao fat) and one or more of the optional dairy ingredients

specified in 105 CMR 510.190(G)(2), sweetened with one of the optional saccharine ingredients specified in 105 CMR 510.190(F)(2) and 510.190(F)6. It may be spiced, flavored, or otherwise seasoned with one or more of the following optional ingredients, other than any such ingredient or combination of ingredients which imparts a flavor that imitates the flavor of chocolate milk or butter:

- (a) Ground spice, ground vanilla beans, any natural food flavoring oil or oleoresin or extract, ground coffee, ground nut meats, honey, molasses, brown sugar, maple sugar, dried malted cereal extract, salt.
- (b) Vanillin, ethyl vanillin, or other artificial food flavoring.

One or a mixture of both of the following optional emulsifying ingredients may be added in a total quantity not more than 0.5% of the weight of the finished food (such ingredient or mixture may be added in combination with a vegetable food fat carrier, such combination containing not less than 60% by weight of the emulsifying ingredient or mixture):

- (c) Lecithin, with or without related natural phosphatides.
- (d) Monoglycerides and diglycerides of fat-forming fatty acids in combination with monosodium phosphate derivatives thereof.

If chocolate liquor with any optional ingredient specified in 105 CMR 510.190(B)(1) is used such ingredient shall be considered to be an optional ingredient used with the milk chocolate. The finished milk chocolate contains not less than 3.66% by weight of milk fat, not less than 12% by weight of milk solids, and not less than 10% by weight of chocolate liquor as calculated by subtracting from the weight of chocolate liquor used the weight of cacao fat therein and the weights therein of alkali and seasoning ingredients, if any, multiplying the remainder by 2.2, dividing the result by the weight of the finished milk chocolate, and multiplying the quotient by 100.

(2) The optional dairy ingredients referred to in 105 CMR 510.190(G)(1) are milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, butter, milk fat, cream, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, and nonfat dry milk, but in any such ingredient or combination of two or more of such ingredients used, the weight of nonfat milk solids is not more than 2.43 times and not less than 1.20 times the weight of milk fat therein.

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in 105 CMR 510.190(G), showing the optional ingredients used shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter:

- (a) When the food is flavored with an optional ingredient specified in 105 CMR 510.190(G)(1)(b), the label shall bear the statement "Artificially Flavored," "Artificial Flavoring Added," "With Artificial Flavoring," "Artificially flavored with . . .," or "With . . . and Artificial Flavoring," the blank being filled in with the specific common name of the artificial flavoring used.

(b) When an optional ingredient specified in 105 CMR 510.190(G)(1)(c) or 510.190(G)(1)(d) is used, the label shall bear the statement "Emulsifier Added" or "With Added Emulsifier."

(c) When any optional alkali ingredient specified in 105 CMR 510.190(A)(1) is used the label shall bear the statement "Processed with Alkali," but in lieu of the word "Alkali" in such statement the specific common name of the optional alkali ingredient may be used.

Label statements prescribed by 105 CMR 510.190(G)(3)(a) and 510.190(G)(3)(b) may be combined, as for example, "With Added Emulsifier and Ethyl Vanillin, an Artificial Flavoring."

(H) Skim Milk Chocolate, Sweet Skim Milk Chocolate, Skim Milk Chocolate Coating, Sweet Skim Milk Chocolate Coating; Identity; Label Statement of Optional Ingredients. Skim milk chocolate, sweet skim milk chocolate, skim milk chocolate coating, sweet skim milk chocolate coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by 105 CMR 510.190(G), except that:

(1) The dairy ingredients used are limited to skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, nonfat dry milk and any combination of two or more of these.

(2) The finished skim milk chocolate contains less than 3.66% by weight of milk fat and, instead of milk solids, it contains not less than 12% by weight of skim milk solids.

(I) Buttermilk Chocolate, Buttermilk Chocolate Coating; Identity; Label Statement of Optional Ingredients. Buttermilk chocolate, buttermilk chocolate coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for milk chocolate by 105 CMR 510.190(G), except that:

(1) The dairy ingredients used are limited to sweet cream buttermilk, concentrated sweet cream buttermilk, dried sweet cream buttermilk, or any combination of two or all of these.

(2) The finished buttermilk chocolate contains less than 3.66% by weight of milk fat and, instead of milk solids, it contains not less than 12% by weight of sweet cream buttermilk solids.

(J) Mixed Dairy Product Chocolates, Mixed Dairy Product Chocolate Coatings; Identity; Label Statement of Optional Ingredients.

(1) The articles for which definitions and standards of identity are prescribed by 105 CMR 510.190 are the foods each of which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients prescribed for milk chocolate by 105 CMR 510.190(G), except that:

(a) The dairy ingredient used in each such article is a mixture of two or more of the following four components:

1. Any dairy ingredient or combination of such ingredients specified in

105 CMR 510.190(G)(2) which is within the limits of the ratios specified therein for nonfat milk solids to milk fat.

2. One or more of the five skim milk ingredients specified in 105 CMR 510.190(H).

3. One or more of the three sweet cream buttermilk ingredients specified in 105 CMR 510.190(I)

4. Malted milk.

(b) Each of the finished articles may contain less than 3.66% by weight of milk fat and, instead of milk solids, it contains not less than 12% by weight of milk constituent solids of the components used. The quantity of each component used in any such mixture is such that no component contributes less than one-third of the weight of milk constituent solids contributed by that component used in largest proportion. When any such mixture is of components 105 CMR 510.190(J)(1)(a)1, and 510.190(J)(1)(a)2, the quantity of nonfat milk solids in such mixture is more than 2.43 times the quantity of milk fat therein. For the purposes of 105 CMR 510.910(J)(2), the designation of each of the components listed above is respectively "Milk," "Skim Milk," "Buttermilk," and "Malted Milk."

(2) The name of each such article is "chocolate" or "chocolate coating" preceded by the designations prescribed by 105 CMR 510.190(J)(1) for each component of the dairy ingredients used, such designations appearing in the order of predominance, if any, of the weight of milk constituent solids in each such component. (For example, "Milk and Skim Milk Chocolate.")

(K) Sweet Chocolate and Vegetable Fat (Other Than Cacao Fat) Coating; Identity; Label Statement of Optional Ingredients. Sweet chocolate and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for sweet chocolate by 105 CMR 510.190(F) except that:

(1) In its preparation is added one or any combination of two or more vegetable food oils or vegetable food fats, other than cacao fat, which oil, fat, or combination may be hydrogenated and which has a melting point lower than that of cacao fat.

(2) The requirements of 105 CMR 510.190(F)(1) that the milk constituent solids be less than 12% by weight does not apply.

(3) The provisions of 105 CMR 510.190 shall not be construed as applicable to any article by reason of the addition thereto of a vegetable food fat other than cacao fat as a carrier of emulsifying ingredients, as authorized and within the limit prescribed by 105 CMR 510.190(F)(1).

(L) Sweet Cocoa and Vegetable Fat (Other Than Cacao Fat) Coating; Identity; Label Statement of Optional Ingredients. Sweet cocoa and vegetable fat (other than cacao fat) coating conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for sweet chocolate by 105 CMR 510.190(F),

(1) In its preparation cacao is used, instead of chocolate liquor, in such quantity

that the finished food contains not less than 6.8% by weight of the nonfat cacao portion of such cocoa, calculated by subtracting from the weight of cocoa used the weight of cacao fat therein and the weight therein of alkali and seasoning ingredients, if any, dividing the remainder by the weight of the finished food, and multiplying the quotient by 100. (For the purposes of 105 CMR 510.190(L) the term "cocoa" means breakfast cocoa, cocoa, low-fat cocoa, or any mixture of two or more of these).

(2) In its preparation is added one or any combination of two or more vegetable food oils, vegetable food fats, or vegetable food stearins, other than cacao fat, which oil, fat, stearin, or combination has a melting point higher than that of cacao fat. Any such oil or fat may be hydrogenated.

(3) The requirement of 105 CMR 510.190(F)(1) that the milk constituent solids be less than 12% by weight does not apply.

510.200: Fruit Butter, Jellies, Preserves and Jams

(A) Fruit Butter.

(1) The fruit butters for which definitions and standards of identity are prescribed by 105 CMR 510.200(A) are the smooth, semi-solid foods each of which is made from a mixture composed of not less than five parts by weight (as determined by the method prescribed in 105 CMR 510.200(A)(2)(a) of one or any combination of two, three, four or five of the optional fruit ingredients specified in 105 CMR 510.200(A)(3) to each two parts by weight (105 CMR 510.100(A)(5)(a) of one of the optional saccharine ingredients specified in 105 CMR 510.200(A)(4), except that the use of such saccharine ingredient is not required when optional ingredient 105 CMR 510.200(A)(1)(e) is used. Such mixture may be seasoned with one or more of the following optional ingredients:

(a) Spice.

(b) Flavoring (other than artificial flavoring).

(c) Salt.

(d) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid or any combination of two or more of these. Such mixture may also contain the optional ingredient:

(e) Fruit juice or diluted fruit juice or concentrated fruit juice, in a quantity not less than $\frac{1}{2}$ the weight of the optional fruit ingredient.

Such mixture is concentrated by heat to such point that the soluble-solids content of the finished fruit butter is not less than as determined by the method prescribed in *Official Methods of Analysis of the Association of Official Agricultural Chemists*, Seventh Edition, page 322, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades and Preserves -- First Action," except that no correction is made for water-insoluble solids.

(2) Any requirement of 105 CMR 510.200(A) with respect to the weight of any optional fruit ingredient, whether concentrated, unconcentrated or diluted, means the weight determined by the following method:

Determine the percent of soluble solids in the optional fruit ingredient by the method prescribed for determining soluble solids in 105 CMR 510.200(A);

multiply the percentage so found by the weight of such ingredient; divide the result by 100, subtract from the quotient the weight of any added sugar or any other added solids; and multiply the remainder by the factor for such ingredient prescribed in 105 CMR 510.200(A)(3). The result is the weight of the optional fruit ingredient.

For the purposes of 105 CMR 510.200(A) the weight of fruit juice or diluted fruit juice or concentrated fruit juice (optional ingredient 105 CMR 510.200(A)(1)(e) from a fruit specified in 105 CMR 510.200(A)(3) is the weight of such juice as determined by the method prescribed in 105 CMR 510.200(A)(3), except that the percentage of soluble solids is determined by the method prescribed in 105 CMR 510.200(A)(2)(a) "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 495, under "Solids by Means of Refractometer -- Official"; the weight of diluted or concentrated juice from any other fruit is the original weight of the juice before it was diluted or concentrated.

(3) Each of the optional fruit ingredients referred to in 105 CMR 510.200(A)(1) is prepared by cooking one of the following fresh, frozen, canned and/or dried (evaporated) mature fruits, with or without added water, and screening out skins, seeds, pits, and cores:

The factors referred to in 105 CMR 510.200(A)(2)(a) are as follows: Apple, 7.5; Apricot, 7.0; Grape, 7.0; Peach, 8.5; Pear, 6.5; Plum (other than prune), 7.0; Prune, 7.0; Quince, 7.5.

In any combination of two, three, four or five fruit ingredients, the weight of each is not less than 1/5 of the weight of the combination.

(4) The optional saccharine ingredients referred to in 105 CMR 510.200(A)(1)

- (a) Sugar.
- (b) Invert sugar syrup.
- (c) Brown sugar.
- (d) Invert brown sugar syrup.
- (e) Honey.
- (f) Any combination of two or more of optional saccharine ingredients.
- (g) Any combination of dextrose and optional saccharine ingredients listed in 105 CMR 510.190(A)(4)(a), (b), (c), (d), or (f).
- (h) Any combination composed of corn syrup, dried corn syrup, glucose syrup, or any two or more of the foregoing, with optional saccharine ingredient 105 CMR 510.190(4)(a), (b), (c), (d), (f) or (g), in which the weight of the solids of corn syrup, dried corn syrup and glucose syrup, or the sum of the weights of the solids of corn syrup, dried corn syrup and glucose syrup, in case two or more of these are used, does not exceed 1/4 of the total weight of the solids of the combined saccharine ingredients.
- (i) Any combination of honey and optional saccharine ingredient 105 CMR 510.190(4)(a), (b), (c), (d), (f), or (g), in which the weight of the solids of each component except honey is not less than 1/10 of the weight of the solids of such combination, and the weight of honey solids is not less than 2/5 of the weight of the solids of such combination.

(5) For the purposes of 105 CMR 510.200(A):

- (a) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.
 - (b) The term "sugar" means refined sugar (sucrose).
 - (c) The term "invert sugar syrup" means a syrup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3% of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.
 - (d) The term "invert brown sugar syrup" means a syrup made by inverting or partly inverting brown sugar.
 - (e) The term "corn syrup" means a clarified concentrated aqueous solution of the products obtained by the incomplete hydrolysis of corn-starch. The solids of corn syrup contain not less than 40% by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose syrup" means a syrup which conforms to the definition in 105 CMR 510.200 for corn syrup, except that it is made from any edible starch.
 - (f) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.
- (6) The name of each fruit butter for which a definition and standard of identity is prescribed by 105 CMR 510.200(A) is as follows:
- (a) In case the fruit butter is made from a single fruit ingredient, the name is "Butter," preceded by the name whereby such fruit is designated in 105 CMR 510.200(A)(3).
 - (b) In case the fruit butter is made from a combination of two, three, four or five fruit ingredients, the name is "Butter," preceded by the words "Mixed Fruit" or by the names whereby such fruits are designated in 105 CMR 510.200(A)(3) in the order of predominance, if any, of the weight of such fruit ingredients in the combination.
- (7) (a) When optional ingredient 105 CMR 510.200(A)(1)(a) is used, the label shall bear
- the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.
 - (b) When optional ingredient 105 CMR 510.200(A)(1)(b) is used, the label shall bear the statement "flavoring added" or "with added flavoring." The word "flavoring" in such statements may be preceded by the common name of the kind of flavoring used.
 - (c) When optional ingredient 105 CMR 510.200(A)(1)(e) is used, the label shall bear the words "prepared with...juice," the blank to be filled in with the name of the fruit from which the juice is obtained; but if apple juice is used, the word "cider" may be used in lieu of "apple juice."
 - (d) When optional saccharine ingredient 105 CMR 510.200(A)(4)(e) is used, the label shall bear the statement "prepared with honey."
 - (e) When optional saccharine ingredient 105 CMR 510.200(A)(4)(i) is used, the label shall bear the names of the components of the combination whereby such components are designated in 105 CMR 510.200(A)(4), in the order of predominance, if any, of the weights of such components in the combination.

Such name shall be preceded by the words "prepared with."

(f) When the optional fruit ingredient is prepared in whole or in part from dried fruit, the label shall bear the words "prepared from" or "prepared in part from," as the case may be followed by the word "evaporated" or "dried," followed by the name whereby such fruit is designated in 105 CMR

510.200(A)(3). When two or more such optional fruit ingredients are used, such names, each preceded by the word "evaporated" or "dried" shall appear in the order of predominance, if any, of the weight of such ingredients in the combination.

(g) When a combination of two, three, four or five optional fruit ingredients is used, and the fruit butter is designated on its label by the name "Mixed Fruit Butter," the label shall bear the names whereby the fruits from which such ingredients are prepared are designated in 105 CMR 510.200(A)(3), in the order of predominance, if any, of the weights of such ingredients in the combination.

(h) The label statements required by 105 CMR 510.200(A)(7)(a) and 510.200(A)(7)(b) may be combined, as for example, "cinnamon oil and cloves added," The label statements required by two or more of 105 CMR 510.200(A)(7)(c), 510.200(A)(7)(d), 510.200(A)(7)(e), 510.200(A)(7)(f), and 510.200(A)(7)(g) may be combined, as, for example, "prepared with cider, apples, dried prunes and honey." (8) Wherever the name specified in 105 CMR 510.200(A)(7)(f) appears on the label of the fruit butter so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in 105 CMR 510.200, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter, except that the varietal name of the fruit used in preparing such fruit butter may so intervene.

(B) Fruit Jelly.

(1) The jellies for which definitions and standards of identity are prescribed by 105 CMR 510.200(B) are the jellied foods each of which is made from a mixture composed of not less than 45 parts by weight (as determined by the method prescribed in 105 CMR 510.200(B)(2) of one or any combination of two, three, four or five of the fruit juice ingredients in 105 CMR 510.200(B)(3) to each 55 parts by weight (see 105 CMR 510.200(B)(5)(a)) of one of the optional saccharine ingredients specified in 105 CMR 510.200(B)(4). Such mixture may also contain one or more of the following optional ingredients:

(a) Spice.

(b) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit juice ingredient.

(c) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the fruit juice ingredient.

(d) Sodium citrate, sodium potassium tartrate, or any combination of these, in a

quantity the proportion of which is not more than three ounces avoirdupois to each 100 pounds of the saccharine ingredient used.

(e) Sodium benzoate or benzoic acid, or any combination of these, in a quantity reasonably necessary as a preservative.

(f) Mint flavoring and harmless artificial green coloring, in case the fruit juice ingredient or combination of fruit juice ingredients is extracted from apple, crabapple, pineapple or two or all of such fruits.

Such mixture is concentrated by heat to such point that the soluble solids content of the finished jelly is not less than 65%, as determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 495, under "Solids by Means of Refractometer -- Official."

(2) Any requirement of 105 CMR 510.200(B) with respect to the weight of any fruit juice ingredient, whether concentrated, unconcentrated or diluted, means the weight determined by the following method: Determine the percent of soluble solids in such fruit juice ingredient by the method for soluble solids referred to in 105 CMR 510.200(B)(1); multiply the percentage so found by the weight of such fruit juice ingredient; divide the result by 100; subtract from the quotient the weight of any added sugar or other added solids; and multiply the remainder by the factor for such fruit juice ingredient prescribed in 105 CMR 510.200(B)(3). The result is the weight of the fruit juice ingredient.

(3) Each of the fruit juice ingredients referred to in 105 CMR 510.200(B)(1) is the filtered or strained liquid extracted with or without the application of heat and with or without the addition of water, from one of the following mature, properly prepared fruits which are fresh frozen and/or canned:

Table 1.

Factors referred to in 105 CMR 510.200(B)(2):

Apple	7.5
Apricot	7.0
Blackberry (other than dewberry)	10.0
Black raspberry	9.0
Cherry	7.0
Crabapple	6.5
Cranberry	9.5
Damson, damson plum	7.0
Dewberry (other than boysenberry, loganberry and youngberry)	10.0
Fig	5.5
Gooseberry	12.0
Grape	7.0
Grapefruit	11.0
Greengage, greengage plum	7.0
Guava	13.0
Loganberry	9.5

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Orange	8.0
Peach	8.5
Pineapple	7.0
Plum (other than damson, greengage and prune)	7.0
Pomegranate	5.5
Quince	7.5
Raspberry, red raspberry	9.5
Red currant, currant (other than black currant)	12.5
Youngberry	10.0

In any combination of two, three, four or five of such fruit juice ingredients, the weight of each is not less than $\frac{1}{5}$ of the weight of the combination. Each such fruit juice ingredient in any such combination is an optional ingredient.

(4) The optional saccharine ingredient referred to in 105 CMR 510.200(B)(1) are:

- (a) Sugar.
- (b) Invert sugar sirup.
- (c) Any combination composed of optional saccharine ingredients 105 CMR 510.200(B)(4)(a) and 510.200(B)(4)(b).
- (d) Any combination composed of dextrose and optional saccharine ingredient 105 CMR 510.200(B)(4)(a), 510.200(B)(4)(b) or 510.200(B)(4)(c).
- (e) Any combination composed of corn syrup, dried corn syrup, glucose syrup or any two or more of the foregoing, with optional saccharine ingredient 105 CMR 510.200(B)(4)(a), 510.200(B)(4)(b), 510.200(B)(4)(c) or 510.200(B)(4)(d) in which the weight of the solids of corn syrup, dried corn syrup, glucose syrups, or the sum of the weights of the solids of corn syrups, dried corn syrup and glucose syrup, in case two or more of these are used does not exceed $\frac{1}{4}$ of the total weight of the solids of the combined saccharine ingredients.
- (f) Honey.
- (g) Any combination composed of honey and optional saccharine ingredient 105 CMR 510.200(B)(4)(a), 510.200(B)(4)(b), or 510.200(B)(4)(c) in which the weight of the solids of each component except honey is not less than $\frac{1}{10}$ of the weight of the solids of such combination and the weight of honey solids is not less than $\frac{2}{5}$ of the weight of the solids of such combination.

(5) For the purposes of 105 CMR 510.200(B):

- (a) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.
- (b) The term "sugar" means refined sugar (sucrose).
- (c) The term "invert sugar syrup" means a syrup made by inverting or partly inverting sugar or partly refined sugar; its ash content is not more than 0.3% of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

- (d) The term "corn syrup" means a clarified, concentrated aqueous solution of the products obtained by the incomplete hydrolysis of corn starch. The solids of corn syrup contain not less than 40% by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose syrup" means a syrup which conforms to the definition in 105 CMR 510.200(B)(5)(d).
- (e) The term "dextrose" means refined anhydrous or hydrated dextrose made from any starch.
- (6) The name of each jelly for which a definition and standard of identity is prescribed by 105 CMR 200(B) is as follows:
 - (a) In case the jelly is made with a single fruit juice ingredient, the name is "jelly," preceded or followed by the name or synonym whereby the fruit from which such fruit juice ingredient was extracted is designated in 105 CMR 510.200(B)(3).
 - (b) In case the jelly is made with a combination of two, three, four or five fruit juice ingredients, the name is "jelly," preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby the fruits from which the fruit juice ingredients were extracted are designated in 105 CMR 510.200(B)(3), in the order of predominance, if any, of the weights of such fruit juice ingredients in the combination.
- (7) (a) When optional ingredient 105 CMR 510.200(B)(1)(a), is used, the label shall bear
 - the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.
 - (b) When optional ingredient 105 CMR 510.200(B)(1)(e) is used, the label shall bear the words "sodium benzoate" or "benzoic acid" or "sodium benzoate and benzoic acid," as the case may be, followed by the words "added as preservative."
 - (c) When optional ingredient 105 CMR 510.200(B)(1)(f) is used, the label shall bear the statement "flavoring and artificial coloring added" or "with added flavoring and artificial coloring." The word "flavoring" in such statement may be preceded by the word "mint."
 - (d) When optional saccharine ingredient 105 CMR 510.200(B)(4)(g) is used, the label shall bear the names of the components of the combination whereby such components are designated in 105 CMR 510.200(B)(4), in the order of predominance, if any, of the weight of such components in the combination. Such names shall be preceded by the words "prepared with."
 - (e) When optional saccharine ingredient 105 CMR 510.200(B)(4)(f) is used, the label shall bear the statement "prepared with honey."
 - (f) When a combination of two, three, four or five fruit juice ingredients is used, and the jelly is designated on its label by the word "jelly", preceded or followed by the words "Mixed Fruit," the label shall bear the names or synonyms whereby such fruits are designated in 105 CMR 510.200(B)(3), in the order or predominance, if any, of the weights of such fruit juice ingredients in the combination.
- (8) Wherever the name specified in 105 CMR 510.200(B)(6) appears on the

label of the jelly so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter, except that the varietal name of the fruit used in preparing such jelly may so intervene.

(C) Preserves, Jams.

(1) The preserves or jams for which definitions and standards of identity are prescribed by 105 CMR 510.200(C) are the viscous or semi-solid foods each of which is made from a mixture composed of not less than 45 parts by weight (see 105 CMR 510.200(C)(3)) of one of the fruit ingredients specified in 105 CMR 510.200(C)(2) to each 55 parts by weight (see 105 CMR 510.200(C)(5)(a) specified in 105 CMR 510.200(C)(4).

Such mixture may also contain one or more of the following ingredients:

- (a) Spice.
- (b) Vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, tartaric acid, or any combination of two or more of these, in a quantity which reasonably compensates for deficiency, if any, of the natural acidity of the fruit ingredient.
- (c) Pectin, in a quantity which reasonably compensates for deficiency, if any, of the natural pectic content of the fruit ingredient.
- (d) Sodium citrate, sodium potassium tartrate, or any combination of these, in a quantity the proportion of which is not more than three ounces avoirdupois to each 100 pounds of the saccharine ingredient used.
- (e) Sodium benzoate or benzoic acid or any combination of these, in a quantity reasonably necessary as a preservative.

Such mixture, with or without added water, is concentrated by heat to such point that the soluble-solids content of the finished preserve is not less than 68% if the fruit ingredient is specified in Group I of 105 CMR 510.200(C)(2) and not less than 65% if the fruit ingredient is specified in Group II of 105 CMR 510.200(C)(2). The soluble-solids content is determined by the method prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, page 322, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades and Preserves -- First Action," except that no correction is made for water-insoluble solids.

(2) The fruit ingredients referred to in 105 CMR 510.208(C)(1) are the following mature, properly prepared fruits which are fresh, frozen and/or canned:

Table 2.
Group I

Blackberry (other than dewberry)
Black raspberry
Blueberry
Boysenberry

Cherry
Crabapple
Dewberry (other than boysenberry, loganberry and youngberry)
Elderberry
Grape
Grapefruit
Huckleberry
Loganberry
Orange
Pineapple
Raspberry, red raspberry
Rhubarb
Strawberry
Tangerine
Tomato
Yellow tomato
Youngberry

Any combination of two, three, four or five of such fruits in which the weight of each is not less than $\frac{1}{5}$ of the weight of the combination; except that the weight of pineapple may be not less than $\frac{1}{10}$ of the weight of the combination.

Table 3.
Group II

Apricot
Cranberry
Damson, damson plum
Fig
Gooseberry
Greengage, greengage plum
Guava
Nectarine
Peach
Pear
Plum (other than greengage plum and damson plum)
Quince
Red currant, currant (other than black currant)

Any combination of two, three, four or five of such fruits, or one or more of such fruits with one or more of such fruits with one or more of the individual fruits specified in Group I, in which the weight of each is not less than $\frac{1}{5}$ of the weight of the combination; except that the weight of pineapple may be not less than $\frac{1}{10}$ of the weight of the combination.

Any combination of apple and one, two, three or four of the individual

fruits specified in this group or Group I in which the weight of each is not less than $\frac{1}{5}$, and the weight of apple is not more than $\frac{1}{2}$, of the weight of the combination; except that the weight of pineapple may be not less than $\frac{1}{10}$ of the weight of the combination.

In any combination of two, three, four or five fruits, each such fruit is an optional ingredient. For the purposes of 105 CMR 510.200(C) the word "fruit" includes the vegetables specified in 105 CMR 510.200(C)(2).

- (3) Any requirement of 105 CMR 510.200(C) with respect to the weight of any fruit, combination of fruits, or fruit ingredient means:
 - (a) The weight of fruit exclusive of the weight of any sugar, water, or other substance added for any processing or packing or canning, or otherwise added to such fruit;
 - (b) In the case of fruit prepared by the removal, in whole or in part, of pits, seeds, skins, cores or other parts, the weight of such fruit, exclusive of the weight of all such substances removed therefrom; and
 - (c) In the cases of apricots, cherries, grapes, nectarines, peaches and all varieties of plums, whether or not pits and seeds are removed therefrom, the weight of such fruit, exclusive of the weight of such pits and seeds.
- (4) The optional saccharine ingredients referred to in 105 CMR 510.200(C)(1) are:
 - (a) Sugar
 - (b) Invert sugar syrup
 - (c) Any combination composed of optional saccharine ingredients 105 CMR 510.200(C)(4)(a) and 510.200(C)(4)(b).
 - (d) Any combination composed of dextrose and optional saccharine ingredient (105 CMR 510.200(C)(4)(a), 510.200(C)(4)(b), or 510.200(C)(4)(c)).
 - (e) Any combination composed of corn syrup, dried corn syrup, glucose syrup, or any two or more of the foregoing, with optional saccharine ingredient (105 CMR 510.200(C)(4)(a), 510.200(C)(4)(b), 510.200(C)(4)(c) or 510.200(C)(4)(d)), in which the weight of the solids of corn syrup, dried corn syrup, glucose syrup, or the sum of the weights of the solids of corn syrup, dried corn syrup, and glucose syrup, in case two or more of these are used, does not exceed $\frac{1}{4}$ of the total weight of the solids of the combined saccharine ingredients.
 - (f) Honey
 - (g) Any combination composed of honey and optional saccharine ingredient 105 CMR 510.200(C)(4)(a), 510.200(C)(4)(b) or 510.200(C)(4)(c), in which the weight of the solids of each component except honey is not less than $\frac{1}{10}$ of the weight of the solids of such combination and the weight of honey solids is not less than $\frac{2}{5}$ of the weight of the solids of such combination.
- (5) For the purposes of 105 CMR 510.200(C):
 - (a) The weight of any optional saccharine ingredient means the weight of the solids of such ingredient.
 - (b) The term "sugar" means refined sugar (sucrose).
 - (c) The term "invert sugar syrup" means a syrup made by inverting or partly

inverting sugar or partly refined sugar, its ash content is not more than 0.3% of its solids content, but if it is made from partly refined sugar, color and flavor other than sweetness are removed.

(d) The term "corn syrup" means a clarified, concentrated aqueous solution of the products obtained by incomplete hydrolysis of corn starch. The solids of corn syrup contain not less than 40% by weight of reducing sugars calculated as anhydrous dextrose. The term "glucose syrup" means a syrup which conforms to the definition in 105 CMR 510.200(C)(5)(d) for corn syrup, except that it is made from any edible starch.

(e) The term dextrose" means refined anhydrous or hydrated dextrose made from any starch.

(6) The name of each preserve or jam, for which a definition and standard of identity is prescribed by 105 CMR 510.200(C) is as follows:

(a) If the fruit ingredient is a single fruit, the name is "Preserve" or "Jam," preceded or followed by the name or synonym whereby such fruit is designated in 105 CMR 510.200(C)(2).

(b) If the fruit ingredient is a combination of two, three, four or five fruits, the name is "Preserve" or "Jam" preceded or followed by the words "Mixed Fruit" or by the names or synonyms whereby such fruits are designated in 105 CMR 510.200(C)(2), in the order of predominance, if any, of the weights of such fruits in the combination.

(7) (a) When optional ingredient (105 CMR 510.200(C)(1)(a) is used, the label shall bear

the word "spiced" or the statement "spice added" or "with added spice"; but in lieu of the word "spice" in such statements the common name of the spice may be used.

(b) When optional ingredient 105 CMR 510.200(C)(1)(a) is used, the label shall bear the words "sodium benzoate" or "benzoic acid," or "sodium benzoate and benzoic acid," as the case may be, followed by the words "added as preservative."

(c) When optional saccharine ingredient 105 CMR 510.200(C)(4)(g) is used, the label shall bear the names of the components of the combination whereby such components are designated in 105 CMR 510.200(C)(4), in the order of predominance, if any, of the weights of such components in the combination. Such names shall be preceded by the words "prepared with."

(d) When optional saccharine ingredient 105 CMR 510.200(C)(4)(f) is used, the label shall bear the statement "prepared with honey."

(e) When the fruit ingredient is a combination of two, three, four or five fruits and the preserve is designated on its label by the name "Preserve" or "Jam" preceded or followed by the words "Mixed Fruit," the label shall bear the names or synonyms whereby such fruits are designated in 105 CMR 510.200(C)(2) in order or predominance, if any, of the weights of such fruits in the combination.

(8) Wherever the name specified in 105 CMR 510.200(C)(6) appears on the label of the preserve so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the

optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter, except that the varietal name of the fruit used in preparing such preserve may so intervene.

510.210: Mayonnaise, Mayonnaise Dressing, Mayonnaise Salad Dressing

(A)(1) Mayonnaise, mayonnaise dressing, is the emulsified semi-solid food prepared from

edible vegetable oil, one or both of the acidifying ingredients specified in 105 CMR 510.210(A)(2), and one or more of the egg-yolk-containing ingredients specified in 105 CMR 510.210(A)(3). It may be seasoned or flavored with one or more of the following ingredients:

- (a) Salt.
- (b) Sugar, dextrose, corn syrup, invert sugar syrup, nondiastic maltose syrup, glucose syrup, honey. The foregoing sweetening ingredients may be used in syrup or dried form.
- (c) Mustard, paprika, other spice, or any spice oil or spice extract, except that no turmeric or saffron is used and no spice oil or spice extract is used which imparts to the mayonnaise a color simulating the color imparted by egg yolk.
- (d) Monosodium glutamate.
- (e) Any suitable, harmless food seasoning or flavoring (other than imitations), provided that it does not impart to the mayonnaise a color simulating the color imparted by egg yolk.
- (f) Mayonnaise may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen. Mayonnaise contains not less than 65% by weight of vegetable oil.

(2) The acidifying ingredients referred to in 105 CMR 510.210(A)(1) are:

- (a) Any vinegar or any vinegar diluted with water to an acidity, calculated as acetic acid, of not less than 2.5% by weight, or any such vinegar or diluted vinegar mixed with the additional optional acidifying ingredient citric acid, but in any such mixture the weight of the citric acid is not greater than 25% of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. For the purpose of 105 CMR 510.210(A)(1), any blend of two or more vinegars is considered to be a vinegar.
- (b) Lemon juice or lime juice or both or any such juice in frozen, canned, concentrated or dried form, or any one or more of these diluted with water to an acidity, calculated as citric acid, of not less than 2.5% by weight.

(3) The egg-yolk containing ingredients referred to in 105 CMR 510.210(A)(1) are: Liquid egg yolks, liquid whole eggs, frozen whole eggs, or any one or more of the foregoing with liquid egg white or frozen egg white.

(4) (a) When the additional optional acidifying ingredient as provided in 105 CMR

510.210(A)(2)(a) is used, the label shall bear the statement "Citric Acid Added" or "With Added Citric Acid."

(b) Wherever the name "Mayonnaise" or Mayonnaise Dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

(B) Salad Dressing.

(1) Salad dressing is the emulsified semi-solid food prepared from edible vegetable oil, one or both of the acidifying ingredients specified in 105 CMR 510.210(B)(2), one or more of the egg-yolk-containing ingredients specified in 105 CMR 510.210(B)(3), and a cooked or partly cooked starchy paste prepared with a food starch, tapioca flour, rye flour, or any two or more of these. In the preparation of such starchy paste, water may be added. Salad dressing may be seasoned or flavored with one or more of the following ingredients:

(a) Salt.

(b) Sugar, dextrose, corn syrup, invert sugar syrup, nondiastatic maltose syrup, glucose syrup, honey. The foregoing sweetening ingredients may be used in syrup or dried form.

(c) Mustard, paprika, other spice, or any spice oil or spice extract, except that no turmeric or saffron is used and no spice oil or spice extract is used which imparts to the salad dressing a color simulating the color imparted by egg yolk.

(d) Monosodium glutamate.

(e) Any suitable harmless food seasoning or flavoring (other than imitations), provided it does not impart to the salad dressing a color simulating the color imparted by egg yolk.

Subject to the conditions hereinafter prescribed, one or more of the optional emulsifying ingredients specified in 105 CMR 510.210(B)(4) may be added. Salad dressing may be mixed and packaged in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen. Salad dressing contains not less than 30% by weight of vegetable oil and not less egg-yolk-containing ingredient than is equivalent in egg-yolk solids content to 4% by weight of liquid egg yolks.

(2) The acidifying ingredients referred to in 105 CMR 510.210(B)(1) are:

(a) Any vinegar or any vinegar diluted with water, or any such vinegar or diluted vinegar mixed with the additional optional acidifying ingredient citric acid, but in any such mixture the weight of citric acid is not greater than 25% of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. For the purpose of 105 CMR 510.210(B), any blend of two or more vinegars is considered to be vinegar.

(b) Lemon juice or lime juice of both or any such juice in frozen, canned, concentrated or dried form, or any one or more of these diluted with water.

(3) The egg-yolk-containing ingredients referred to in 105 CMR 510.210(B)(1) are: Liquid egg yolks, frozen egg yolks, liquid whole eggs, frozen whole eggs, or any one or more of the foregoing with liquid egg white or frozen egg white.

(4) The optional emulsifying ingredients referred to in 105 CMR 510.210(B)(1)

are: gum acacia, carob bean gum, guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium alginate, sodium carboxymethylcellulose, or any mixture of two or more of these. The quantity used of any such emulsifying ingredient or mixture amounts to not more than 0.75% by weight of the finished salad dressing.

(5) (a) When the additional optional acidifying ingredient as provided in 105 CMR

510.210(B)(2)(a) is used, the label shall bear the statement "Citric acid added" or "With added citric acid." When an optional emulsifying ingredient as provided in 105 CMR 510.210(B)(4) is used, the label shall bear the statement " . . . added" or "With added . . ." The blank being filled in with the common name or names of the emulsifying ingredient or mixture of emulsifying ingredients used, as specified in 105 CMR 510.210(B)(4); or, alternatively, with the words "algin derivative," if propylene glycol ester of alginic acid is used; or with the words "vegetable gum" if any one of the vegetable gums, gum acacia, carob bean gum, guar gum, gum karaya or gum tragacanth, is used; or with the words "vegetable gums," if two or more such vegetable gums are used. Label statements specified in 105 CMR 510.210(B)(5) for declaring the presence of optional ingredients may be combined, as for example, "with added citric acid and sodium carboxymethyl cellulose."

(b) Wherever the name "Salad Dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements herein specified, showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

(C) French Dressing.

(1) French dressing is the separable liquid food or the emulsified viscous fluid food prepared from edible vegetable oil and one or both of the acidifying ingredients specified in 105 CMR 510.210(C)(2). It may be seasoned or flavored with one or more of the following ingredients:

- (a) Salt.
- (b) Sugar, dextrose, corn syrup, invert sugar syrup, nondiastatic maltose syrup, glucose syrup, honey. The foregoing sweetening ingredients may be used in syrup or dried form.
- (c) Mustard, paprika, other spice or spice oil or spice extract.
- (d) Monosodium glutamate.
- (e) Any suitable, harmless food seasoning or flavoring (other than imitations).
- (f) Tomato paste, tomato puree, catsup, sherry wine.

French dressing may be emulsified. Subject to the conditions hereinafter prescribed, one or both of the optional emulsifying ingredients specified in 105 CMR 510.210(C)(3)(a) and 510.210(C)(3)(b) may be added. French dressing may be mixed and packed in an atmosphere in which air is replaced in whole or in part by carbon dioxide or nitrogen. French dressing contains not less than

35% by weight of vegetable oil.

(2) The acidifying ingredients referred to in 105 CMR 510.210(C)(1) are:

(a) Any vinegar or any vinegar diluted with water or any such vinegar or diluted vinegar mixed with the additional optional acidifying ingredient citric acid, but in any such mixture the weight of citric acid is not greater than 25% of the weight of the acids of the vinegar or diluted vinegar calculated as acetic acid. For the purpose of 105 CMR 510.201(C)(2), any blend of two or more vinegars is considered to be a vinegar.

(b) Lemon juice or lime juice or both or any such juice in frozen, canned, concentrated or dried form, or any one or more of these diluted with water.

(3) The optional emulsifying ingredients referred to in 105 CMR 510.210(C)(1) are:

(a) Gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, sodium carboxymethyl cellulose, or any mixture of two or more of these.

(b) Liquid egg yolks, frozen egg yolks, liquid whole eggs, frozen whole eggs, or any one or more of these with liquid egg white or frozen egg white. For the purpose of 105 CMR 510.210(C)(3), the quantity of egg-yolk-containing ingredient is calculated as the weight of the egg-yolk solids contained therein. The quantity of any such emulsifying ingredient or mixture used amounts to not more than 0.75% by weight of the finished french dressing.

(4) (a) When the additional optional acidifying ingredient as provided in 105 CMR

510.210(C)(2)(a) is used, the label shall bear the statement "Citric Acid Added" or "With Added Citric Acid." When an optional emulsifying ingredient as provided in 105 CMR 510.210(C)(3)(a) is used, the label shall bear the statement ". . . Added" or "With Added. . .," the blank being filled in with the common name of the emulsifying ingredients used, as specified in 105 CMR 510.210(C)(3)(a); or alternatively, with the words "algin derivative," if propylene glycol ester of alginic acid is used; or with the words "vegetable gum" if any one of the vegetable gums, gum acacia, carob bean gum, guar gum, gum karaya, or gum tragacanth, is used; or with the words "vegetable gums" if two or more such vegetable gums are used. Label statements specified in 105 CMR 510.210(C)(4) for declaring the presence of optional ingredients may be combined, as for example, "With Added Citric Acid and Sodium Carboxymethyl cellulose."

(b) Wherever the name "French Dressing" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed or graphic matter.

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 510.000: M.G.L. c. 94, §§ 48A, 65Q, 188, 189, 192 and 193.

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